



Arizona Regulatory Board of Physician Assistants

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Janet Napolitano
Governor

Randy Danielsen, Ph.D., P.A.-C
Chairman

Barry A. Cassidy, Ph.D., P.A.-C
Executive Director

FINAL MINUTES FOR TELECONFERENCE MEETING Held at 12:00 p.m. on November 25, 2003 9545 E. Doubletree Ranch Road • Scottsdale, Arizona

Board Members

Randy D. Danielsen, Ph.D., P.A.-C, Chair
Albert Ray Tuttle, P.A.-C, Vice Chair
Michael E. Goodwin, P.A.-C
G. Bradley Klock, D.O.
James Edward Meyer, M.D.
Sigmund Popko
Anna Marie Prassa, Public Member
Joan M. Reynolds, P.A.-C
Peter C. Wagner, D.O.
Barry D. Weiss, M.D., FAAFP

Board Counsel

Christine Cassetta, Assistant Attorney General

Staff

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director
Amanda J. Diehl, M.P.A., CPM, Assistant Director
Beatriz Garcia Stamps, M.D., M.B.A., Board Medical Director
Gary Oglesby, Chief Information Officer
Barbara Kane, Division Chief, Quality Assurance
Tina Speight, Public Affairs Coordinator
Lisa McGrane, Legal and Communications Coordinator

TUESDAY, NOVEMBER 25, 2003

CALL TO ORDER

Randy Danielsen, Ph.D., P.A.-C, Chair, called the meeting to order at 1:04 p.m.

ROLL CALL

The following Board members were present: Randy D. Danielsen, Ph.D., P.A.-C, Albert Ray Tuttle, P.A.-C, Michael E. Goodwin, P.A.-C, G. Bradley Klock, D.O., James Edward Meyer, M.D., Sigmund Popko, Anna Marie Prassa, Joan M. Reynolds, P.A.-C, Peter C. Wagner, D.O., and Barry D. Weiss, M.D., FAAFP.

CALL TO PUBLIC

Statements issued during the Call to the Public are listed beneath the case number referenced in the statement.

NON-TIME SPECIFIC ITEMS

Executive Director's Report

Proposed Legislation for 2004 Session

Tina Wilcox appeared before the Board and stated that each one of the proposals should be considered individually.

Removal of Dismissals from Physician Assistant Public Profile

The requirement to post dismissals to the allopathic physician public profiles was removed under Laws 2003, Ch. 149. The same requirement should be removed for the physician assistants. The board members discussed this proposal and brought up concern from a public standpoint that this is information consumers would want to know prior to seeing a physician assistant. Barry A. Cassidy, Ph.D., PA-C, Executive Director, advised the Board that if a case against a physician assistant is dismissed then there is no substance to the complaint and not reported on the web site. The public

Removal of Dismissals from Physician Assistant Public Profile (continued)

was viewing dismissals as matters of substance when in fact they are not. This needs to be consistent with the allopathic physician public profiles. Dr. Cassidy stated that if the public came to the Board and asked to see the physician assistant's file they would find this information there. Christine Cassetta, Board Counsel, confirmed with the Board that physician assistant files are public records. The Board members discussed that this proposal needs to be approved due to fact that some complaints are frivolous and should never go forward and should not be counted against the physician assistant.

MOTION: G. Bradley Klock, D.O. moved to accept the proposed Removal of Dismissals from the Physician Assistant Public Profile.

SECONDED: Joan M. Reynolds, P.A.-C

VOTE: 10-0-0 Motion Passed.

Practitioner Health Program

This proactive program is designed to aid and assist allopathic physicians and physician assistants in managing mental, behavioral and physical health issues before patient harm or statutory violations occur. The boards currently do not have a mechanism to provide this invaluable service. Many other states have both a drug and alcohol abuse program and a mental, behavioral and physical health program. The Practitioner Health Program will provide the Board a mechanism to evaluate, treat, and monitor practitioners with potentially impairing medical, psychiatric, and behavioral disorders. Practitioners may enter the program through self-reporting or board order. This was presented to the Arizona Medical Board and was voted on in favor of the proposal. G. Bradley Klock, D.O. relayed to the Board that he supports this and stated that it encourages people to get help and be fit to serve. Sigmund Popko showed concern regarding the cost. Christine Cassetta, Board Counsel, stated that the physician assistants would be responsible for the cost. Barry A. Cassidy, Ph.D., P.A.-C, Executive Director, stated that if the Board was responsible for the cost, a funding source would need to be found, and that source would come from the licensees, which would be extraordinarily expensive. Joan M. Reynolds, P.A.-C commented that if the supervising physician would be willing to help with the cost, it would defray from a needy physician assistant.

MOTION: G. Bradley Klock, D.O. moved to accept the proposed Practitioner Health Program.

SECONDED: Peter C. Wagner, D.O.

VOTE: 10-0-0 Motion Passed.

G. Bradley Klock, D.O. left the meeting at 12:19 p.m.

Disclosure of Confidential Information

The intentional disclosure of professional secrets or privileged communications violates the trust patients and others place in health care professionals. The Board should have a mechanism to discipline a physician assistant for violation of this trust. The allopathic physician statutes contain a similar prohibition. Albert Ray Tuttle, P.A.-C brought up what a definition of a professional secret or privileged communications was. Sigmund Popko stated that from the lawyer ethics point of view, lawyers should not share any stories regarding cases that they handle with others, in any situation.

MOTION: Barry D. Weiss, M.D., FAAFP moved to reject the proposed Disclosure of Confidential Information.

SECONDED: Anna Marie Prassa

VOTE: 9-0-0 Motion Passed.

Fictitious Name Use

Consumer confusion results when a practitioner uses a fictitious name in his or her practice. Consumers are unable to verify a practitioner's license status, educational background and disciplinary history when a fictitious name is used. This is a provision that has been adopted by the Arizona Medical Board. Albert Ray Tuttle, P.A.-C raised a question to the Board if it would be more appropriate to include something in the event a physician uses a name such as a nickname and would that be considered being guilty of fictitious name use. Christine Cassetta, Board Counsel, reiterated to the Board that it would not.

MOTION: Joan M. Reynolds, P.A.-C moved to accept the proposed Fictitious Name Use.

SECONDED: Anna Marie Prassa

VOTE: 9-0-0 Motion Passed.

Unprofessional or Dishonorable Conduct

Allows the Board to discipline a physician for conduct unbecoming or detrimental to the profession. Many other regulatory boards utilize a similar clause. Tina Wilcox, Board Legislative Liaison, stated this is suggested language regarding unprofessional or dishonorable conduct. This was unfavorable to Arizona Medical Board. James Edward Meyer, M.D. questioned the wording "character likely to deceive the public" and gave an example of wrong information on an application, but that was not intended to deceive the public, it was an honest mistake. Randy D. Danielsen, Ph.D., P.A.-C

Unprofessional or Dishonorable Conduct (continued)

stated that Arizona Medical Association and the legislative stake holders showed concern regarding this proposal. Barry A. Cassidy, Ph.D., P.A.-C, Executive Director, stated that the Arizona Medical Board passed this proposal, but stated that people are uncomfortable with it.

MOTION: Barry D. Weiss, M.D., FAAFP moved to reject the proposed Unprofessional or Dishonorable Conduct.

SECONDED: Peter C. Wagner, D.O.

VOTE: 9-0-0 Motion Passed.

Advanced Biological Fluid Testing

Currently the Board can only use urine screen biological fluid testing to detect the presence of drugs or alcohol. Other examinations (i.e. blood, hair follicle, breathalyzer) are available to achieve the same goal. As technology advances, the Board would have the ability to utilize those advances. Michael E. Goodwin, P.A.-C raised concern that we do not identify with existing testing used and that the percentage of accuracy needs to be equal to urine testing. Barry A. Cassidy, Ph.D., P.A.-C, Executive Director, stated that this is with the request for tests that are more accurate due to the fact that we handcuffed using the existing testing. Dr. Cassidy stated that part of the analysis regarding cost benefit, is that if you have 1000 people to test you will need to utilized cost saving testing but keep the accuracy so you will need to pick and choose accordingly. P.A. Goodwin stated that this proposal should be rejected due to the cost.

MOTION: Sigmund Popko moved to accept the proposed Advanced Biological Fluid Testing.

SECONDED: James Edward Meyer, M.D.

VOTE: 8-1-0 Motion Passed.

Supplemental Information for Proposed 2004 Legislation**Proposal from Arizona State Association of Physician Assistants****Physician Assistant Responses in Emergency Situations**

Peter C. Wagner, D.O. stated that this is a valuable proposal. Barry A. Cassidy, Ph.D., P.A.-C, Executive Director, stated that the Good Samaritan Law does not apply in this type of situation, but if the Governor were to declare a state of emergency, physician assistants would then be able to help without risk to themselves. Albert Ray Tuttle, P.A.-C stated his concern regarding living in a rural part of the state that it could take days for the Governor or other authorizing entities to declare an emergency. Richard Bitner, Arizona State Association of Physician Assistants (ASAPA) Legislative Counsel, stated that this proposal would include, for example, a car accident and bio-terrorism.

MOTION: Barry D. Weiss, M.D., FAAFP moved to accept the proposed Physician Assistant Responses in Emergency Situations.

SECONDED: Peter C. Wagner, D.O.

VOTE: 7-2-0 Motion Passed.

Appointment of Subcommittee for the Civil Penalty Issue

The Board members would like to look at the guidelines that the Arizona Medical Board uses prior to voting on this issue.

Barry D. Weiss, M.D., FAAFP left the meeting at 1:05 p.m.

MOTION: Joan M. Reynolds, P.A.-C moved to adjourn the meeting at 1:05 p.m.

SECONDED: G. Bradley Klock, D.O.

VOTE: 8-0-0 Motion Passed.

[SEAL]

Barry A. Cassidy, Ph.D., P.A.-C, Executive Director